

214702US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :  
SHIGENOBU MAEDA : GROUP 3644  
SERIAL NO: 09/970,701  
FILED: OCTOBER 5, 2001 : EXAMINER: HOLZEN, S.  
FOR: METHOD FOR COLLECTING SEMICONDUCTOR  
DEVICES AND METHOD FOR SELLING AND...

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PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 26, 2003, Applicant elects Group I, Claims 1-4, drawn to a method of collecting a semiconductor device, classified in class 705, subclass 22. Applicant reserves the right to file one or more divisional applications directed to the non-elected invention.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

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Although the outstanding Official Action does identify separate search classifications, it is believed that the claims of the present application would have to be searched in only a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds

U.S. Application Serial No. 09/970,701  
Response to Official Action dated September 26, 2003

that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain three separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAYER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Registration No. 28,870

Customer Number

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Docket No.: 214702US2

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ATTORNEYS AT LAW

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RE: Application Serial No.: 09/970,701

Applicants: Shigenobu MAEDA

Filing Date: October 5, 2001

For: METHOD FOR COLLECTING SEMICONDUCTOR  
DEVICES AND METHOD FOR SELLING AND  
USING SEMICONDUCTOR DEVICES

Group Art Unit: 3644

Examiner: HOLZEN

SIR:

Attached hereto for filing are the following papers:

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Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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